

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

LIDDLE & ROBINSON, L.L.P.,

Case No. 19-12346-shl

Debtor.

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**ORDER AND STIPULATION BETWEEN THE CHAPTER
11 TRUSTEE AND COUNSEL FINANCIAL MODIFYING
THE CONFIDENTIALITY AGREEMENT AND
STIPULATED PROTECTIVE ORDER**

WHEREAS, on July 22, 2019, the Liddle & Robinson L.L.P. filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Debtor” or “L&R”); and

WHEREAS, on or about December 23, 2019, Jonathan L. Flaxer was appointed chapter 11 trustee of the Debtor (the “Chapter 11 Trustee”) *Doc. 195*; and

WHEREAS, prior to appointment of the Chapter 11 Trustee, the Court entered a Confidentiality Agreement and Stipulated Protective Order dated October 30, 2019 between the Debtor and Counsel Financial II LLC, LIG Capital LLC, and Counsel Financial Holdings LLC (collectively “Counsel Financial”), creditors of L&R asserting liens on all of L&R’s assets. *Doc.¹ 114* (the “Confidentiality Order”); and

WHEREAS, pursuant to the Confidentiality Order, the Debtor agreed to produce three (3) lists of cases (collectively, the “L&R Case Lists”) to Counsel Financial’s outside counsel (“DHC”) on a “highly confidential-attorneys’ eyes only” basis, whereby only DHC could review the L&R Case Lists; and

¹ References to “Doc.” refer to documents filed on the docket in this case, 19-12346-shl.

WHEREAS, one of the L&R Case Lists is labeled “CASES TO BE TRIED IN 2019”; another list is labeled “PENDING OR TBF LITIGATIONS (not L&R)”; and the third is labeled “OTHER, NON-, OR PRE-LITIGATION MATTERS”; and

WHEREAS, Counsel Financial, by its attorneys, DHC, examined Jeffrey Lew Liddle, pursuant to Bankruptcy Rule 2004, on December 4, 2019 (the “Liddle Rule 2004 Examination”) about the L&R Case Lists and related information, some of which the Liddle characterized as confidential information (the “Confidential Liddle Testimony”); and

WHEREAS, the parties have agreed that Counsel Financial should not be precluded from viewing the L&R Case Lists or the Confidential Liddle Testimony, upon the terms and conditions set forth below; and

WHEREAS, the Confidentiality Order provided that it “may be amended upon further application by Counsel Financial or the Debtor upon reasonable notice to the other party and the U.S. Trustee;” and

NOW, THEN, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties, which stipulation when “so ordered” by the Court shall constitute an order of the Court as follows:

1. The Confidentiality Order is hereby modified to the extent provided herein.
2. Counsel Financial is hereby authorized to review the Case Lists and the Confidential Liddle Testimony, on a confidential basis, whereby Counsel Financial may not disclose any of the information contained therein to any third-party.

3. Counsel Financial shall not contact any party named in the L&R Case Lists or the Confidential Liddle Testimony, or counsel for any such parties, with respect to any lawsuit or claim involving L&R's clients

4. Upon request, the U.S. Trustee, as defined in the Confidentiality Order, shall be provided with access to all confidential information covered by this order not covered by the Confidentiality Order, including the Confidential Liddle Testimony.

5. Any individual of Counsel Financial who reviews the L&R Case Lists or the Confidential Liddle Testimony must first execute the undertaking annexed as **Exhibit A**.

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Dated: New York, New York
February 27, 2020

GOLENBOCK EISEMAN ASSOR BELL &
PESKOE LLP

By: /s/ Michael S. Weinstein
Michael S. Weinstein
711 Third Avenue
New York, New York 10017
*Attorneys for the Jonathan L. Flaxer, Chapter 11 Trustee
of Liddle & Robinson, L.L.P.*

Dated: New York, New York
February 27, 2020

DAVIDOFF HUTCHER & CITRON LLP

By: /s/ David H. Wander
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LLC, and Counsel Financial Holdings LLC*

THIS STIPULATION IS "SO ORDERED"
THIS 20th DAY OF MARCH, 2020

/s/ Sean H. Lane
HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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**APPLICATION FOR ACCESS TO HIGHLY CONFIDENTIAL INFORMATION
UNDER PROTECTIVE ORDER**

1. I, _____, hereby apply for access to protected information designated "HIGHLY CONFIDENTIAL" under the Confidentiality Agreement And Stipulated Protective Order Regarding Counsel Financial's Subpoena Duces Tecum (the "Protective Order") issued in connection with this proceeding.
2. I have read the Protective Order and the Order and Stipulation Between the Chapter 11 Trustee and Counsel Financial Modifying the Protective Order. I will comply in all respects with those orders and will abide by their terms and conditions in handling any protected information produced in connection with the Protective Order.

By my signature, I certify that, to the best of my knowledge, the representations set forth above are true and correct.

Signature

Date Executed

Typed Name and Title

Telephone & Facsimile Numbers

E-mail Address